UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,268	05/18/2006	Peter Vogel	10191/4275	8846

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EXAMINER
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ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/564,268	VOGEL ET AL.
	Examiner	Art Unit	
	ANDREW WENDELL	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *16 November 2010*.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *14,16-18 and 20-39* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *14,16-18 and 20-39* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☒ All   b)☐ Some * c)☐ None of:
      1. ☒ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

11/16/2010 has been entered.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 14, 16-18, 20, 24, 27-28, 30-31, and 38-39 are rejected under 35 U.S.C.

103(a) as being unpatentable over Andreas (JP 2001-119451) in view of Odinak (US

Pat Pub# 20080147401) and further in view of Rajkotia et al. (US Pat Pub#

2004/0121774) and further in view of Kalavade et al. (US Pat# 7,239,632) and further in

view of Knoop (US Pat# 7,593,686).

Regarding claims 14 and 38, Andreas teaches a method for operating multimedia

and/or telematics services 11, 12, or 13 (Fig. 1) in a motor vehicle 10 (Fig. 1),

comprising providing the services in a speed-dependent manner (Page 4 line 3-Page 5

line 15) wherein at least one service uses at least one input medium (Page 4 line 3-

Page 5 line 15, i.e. receiving phone call or operating panel for the car radio), at least

one service uses at least one output medium (Page 4 line 3-Page 5 line 15, i.e. making

phone call or audio output from radio or output from navigation system), the providing

of the service includes providing at least one of a control of a selection of the services

(Page 4 line 3-Page 5 line 15, i.e. controlling making calls, operability of the car radio,

incoming calls, navigation announcements, etc.) and a representation of the services

on a user interface 11, 12, or 13 (Fig. 1, every component has some sort of user

interface in order to be able to use the components) present in the motor vehicle 10

(Fig. 1). Andreas fails to teach a video output medium, operating with a different

protocol, different transmission rates, and selecting based on speed.

Odinak teaches at least one video output medium that includes at least two

display adaptations of one service 82 or 84 or 86 or 88 (Fig. 3 and Section 0019); and

performing a speed-dependent adaptation of the at least one video output medium 82

or 84 or 86 or 88 (Fig. 3 and Section 0019).

Therefore, it would have been obvious at the time of the invention to one of

ordinary skill in the art at the time the invention was made to incorporate a video output

medium as taught by Odinak into Andreas vehicle controls in order to minimize

dangerous distractions which improves safety (Section 0004).

Andreas and Odinak fail to teach operating with a different protocol, different

transmission rates, and selecting based on speed.

Rajkotia teaches providing a plurality of services requiring wireless data

transmission (Section 0040, sports, streaming, internet, etc.); determining a speed of

the motor vehicle 605 (Fig. 6); selecting a transmission network from a plurality of transmission networks, wherein the selecting is based on the speed 620 and 625 (Fig. 6, choose which base station network is best based on the speed).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate selecting based on speed as taught by Rajkotia into a video output medium as taught by Odinak into Andreas vehicle controls in order to improve handoff performance (Sections 0012-0013).

Andreas, Odinak, and Rajkotia fail to teach operating with a different protocol and different transmission rates.

Kalavade teaches selecting a transmission network from a plurality of transmission networks, each operating with a different protocol (Col. 4 lines 26-52, LAN and WAN technology).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate operating with a different protocol as taught by Kalavade into selecting based on speed as taught by Rajkotia into a video output medium as taught by Odinak into Andreas vehicle controls in order to increase coverage so service is not interrupted (Col. 2 lines 20-37).

Knoop teaches wherein each adaptation has a substantially different non-zero wireless data transmission requirement, so that each display adaptation requires a wireless data transmission rate, and so that at least a plurality of the data transmission rates are substantially different and greater than zero (Col. 12 lines 24-30).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate different transmission rates as taught by Knoop into operating with a different protocol as taught by Kalavade into selecting based on speed as taught by Rajkotia into a video output medium as taught by Odinak into Andreas vehicle controls in order to improve selecting transmission modes (Col. 2 lines 9-11).

Regarding claim 16, the combinations including Andreas teaches wherein the selection of the services includes a prioritization of predetermined services (based on vehicle speed can have priority on services, i.e. higher priority to receive calls when vehicle is below 130Km/h than when over 130Km/h the priority of receiving calls are lowered) over other services that are also available (Page 4 line 3-Page 5 line 15).

Regarding claim 17, the combination including Andreas teaches performing a speed-dependent selection from among the at least two (Page 4 line 3-Page 5 line 15) input mediums (Page 4 line 3-Page 5 line 15, i.e. receiving phone call or operating panel for the car radio) for an operator control of the at least one service that uses the at least two input mediums.

Regarding claim 18, the combination including Odinak teaches performing a speed-dependent selection from among the at least two output mediums for a representation of the at least one service that uses the at least two output mediums (Figs. 2 and 3 and Section 0019).

Regarding claim 20, the combination including Andreas teaches performing a control involving a selection, based at least in part on the speed of the vehicle of a

suitable form of representation of contents (car phone, car radio, navigation system)

provided by the particular service on an output medium (Page 4 line 3-Page 5 line 15).

Regarding claim 22, the combination including Odinak teaches suppressing

predetermined functions of predefined associated control elements (Figs. 2 and 3 and

Section 0019).

Regarding claim 24, the combination including Andreas teaches performing a

control in at least one of a location-dependent manner and a context-dependent

manner (page 7 lines 7-11).

Regarding claim 27, the combination including Odinak teaches adapting the

video output medium in a manner controlled by a speed by changing a character

display size on the video output medium (Figs. 2 and 3 and Section 0019).

Regarding claim 28, the combination including Odinak teaches adapting the

video output medium in a manner controlled by a speed by replacing text with graphical

information (Figs. 2 and 3 and Sections 0019-0021).

Regarding claim 30, the combination including Odinak teaches wherein the video

output medium is configured to display computer generated graphics (Figs. 2 and 3

and Section 0019).

Regarding claim 31, the combination including Odinak teaches adapting an

output medium in a manner controlled by a speed by performing at least the following

changing a character display size on the output medium; and replacing text with

graphical information (Figs. 2 and 3 and Section 0019).

Regarding claim 39, Kalavade further teaches wherein the service management unit causes the at least one video output medium to operate in a state requiting a low data transmission rate when the speed is higher than a speed threshold, and wherein the service management unit causes the at least one video output medium to operate in a state requiting a high data transmission rate when the speed is lower than the speed threshold (Col. 4 lines 26-52).

4.   Claims 21, 29, 32-33, and 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andreas (JP 2001-119451) in view of Odinak (US Pat Pub# 20080147401) and further in view of Rajkotia et al. (US Pat Pub# 2004/0121774) and further in view of Kalavade et al. (US Pat# 7,239,632) and further in view of Knoop (US Pat# 7,593,686) and further in view of Wawra et al. (US Pat# 6,714,860).

Regarding claim 21, Andreas in view of Odinak and further in view of Rajikotia and further in view of Kalavade teaches the limitations in claim 14. Andreas, Rajikotia, Kalavade, and Odinak fail to teach providing controlled selection of advertisements as a function of the speed.

Wawra teaches an output medium in a manner controlled by a speed by providing controlled selection of advertisements as a function of the speed (Col. 2 lines 54-59).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate providing controlled selection of advertisements as a function of the speed as taught by Wawra into different transmission rates as taught by Knoop into operating with a different

protocol as taught by Kalavade into selecting based on speed as taught by Rajkotia

into a video output medium as taught by Bread into Andreas vehicle controls in order to

improve navigation device with more views (Col. 1 lines 20-25).

Regarding claim 29, Wawra further teaches adapting the video output medium in

a manner controlled by a speed by providing a controlled selection of advertisements

as a function of the speed (Col. 2 lines 54-59).

Regarding claims 32 and 35, Odinak further teaches performing a control

involving a selection, based at least in part on the speed of the vehicle, of a suitable

form of representation of contents provided by the particular service on the at least one

video output medium (Figs. 2 and 3 and Section 0019); and performing a speed-

dependent selection from among the at least two input mediums for an operator control

of the at least one service that uses the at least two input mediums (Figs. 2 and 3 and

Section 0019); wherein the selection of the services includes a prioritization of

predetermined services over other services that are also available, and wherein at

least one service uses at least two input mediums (Figs. 2 and 3 and Section 0019).

Andreas and Odinak fail to teach providing controlled selection of advertisements as a

function of the speed.

Wawra teaches adapting an output medium in a manner controlled by a speed by

providing a controlled selection of advertisements as a function of the speed (Col. 2

lines 54-59).

Regarding claims 33 and 36, Odinak further teaches suppressing predetermined

functions of predefined associated control elements (Figs. 2 and 3 and Section 0019).

5.   Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Andreas

(JP 2001-119451) in view of Odinak (US Pat Pub# 20080147401) and further in view of

Rajkotia et al. (US Pat Pub# 2004/0121774) and further in view of Kalavade et al. (US

Pat# 7,239,632) and further in view of Knoop (US Pat# 7,593,686) and further in view of

Toshio (JP 06-61923).

        Regarding claim 23, Andreas in view of Odinak and further in view of Rajikotia

and further in view of Kalavade teaches the limitations in claim 14. Andreas, Rajikotia,

Kalavade, and Yamanaka fail to teach selecting a transmission medium.

        Toshio teaches selecting a transmission medium (selecting the correct base

station to transmit based on speed) for communication and setting corresponding

service parameters as a function of a speed (Figs. 2 and Section 0009).

        Therefore, it would have been obvious at the time of the invention to one of

ordinary skill in the art at the time the invention was made to incorporate selecting a

transmission medium as taught by Wakabayashi into different transmission rates as

taught by Knoop into operating with a different protocol as taught by Kalavade into

selecting based on speed as taught by Rajkotia into a video output medium as taught

by Odinak into Andreas's vehicle controls in order to reduce deterioration of the speech

quality (Purpose).

6.   Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Andreas

(JP 2001-119451) in view of Damiani et al. (US Pat# 6,667,726) and further in view of

Odinak (US Pat Pub# 20080147401) and further in view of Knoop (US Pat# 7,593,686).

Regarding claim 25, Andreas teaches a vehicle information system (Fig. 2) for

operating services including at least one of multimedia services and telematics services

11, 12, or 13 (Fig. 1) and associated user interfaces in a motor vehicle 10 (Fig. 1),

comprising a service management unit 15 (Fig. 1) connectable to a) a device for one of

measuring and displaying an instantaneous vehicle speed 17.1 and 17.2 (Fig. 1 and

Page 3), and b) a user interface 11, 12, or 13 (Fig. 1) for providing the services in a

speed-dependent manner (Page 4 line 3-Page 5 line 15, i.e. controlling based on speed

for making calls, operability of the car radio, incoming calls, navigation announcements,

etc.), wherein the providing of the service includes providing at least one of a control of

a selection of the services (Page 4 line 3-Page 5 line 15, i.e. controlling making calls,

operability of the car radio, incoming calls, navigation announcements, etc.) and a

representation of the services on a user interface 11, 12, or 13 (Fig. 1, every component

has some sort of user interface in order to be able to use the components) present in

the motor vehicle 10 (Fig. 1). Andreas fails to clearly teach measuring instantaneous

speed (even though it would be obvious), a video output medium, and adaptation being

substantially different non-zero wireless transmission.

Damiani teaches a device for one of measuring and displaying an instantaneous

vehicle speed (Col. 3 lines 25-30).

Therefore, it would have been obvious at the time of the invention to one of

ordinary skill in the art at the time the invention was made to incorporate measuring

instantaneous speed as taught by Damiani into Andreas's vehicle controls in order to

increase visibility and therefore increase safety (Col. 1 lines 28-47).

Andreas and Damiani fail to teach a video output medium and adaptation being substantially different non-zero wireless transmission.

Odinak teaches a video output medium to display information about at least one service and the providing includes adapting the display 82 or 84 or 86 or 88 (Fig. 3 and Section 0019) of information in a speed-dependent manner, where the display and the adapted display provide information about an active state of a service 82 or 84 or 86 or 88 (Fig. 3 and Section 0019).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate a video output medium as taught by Odinak into measuring instantaneous speed as taught by Damiani into Andreas's vehicle controls in order to minimize dangerous distractions which improves safety (Section 0004).

Andreas, Damiani, and Odinak fail to teach adaptation being substantially different non-zero wireless transmission.

Knoop teaches wherein each adaptation has a substantially different non-zero wireless data transmission requirement, so that each display adaptation requires a wireless data transmission rate, and so that at least a plurality of the data transmission rates are substantially different and greater than zero (Col. 12 lines 24-30).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate different transmission rates as taught by Knoop into a video output medium as taught by Odinak

into measuring instantaneous speed as taught by Damiani into Andreas's vehicle

controls in order to improve selecting transmission modes (Col. 2 lines 9-11)..

7.   Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Andreas

(JP 2001-119451) in view of Odinak (US Pat Pub# 20080147401) and further in view of

and further in view of Knoop (US Pat# 7,593,686).

Regarding claim 26, Andreas teaches a service management unit 15 (Fig. 1) for

use in an operation of multimedia and/or telematics services 11, 12, or 13 (Fig. 1) and

associated user interfaces, in a motor vehicle 10 (Fig. 1), comprising a control unit 15

(Fig. 1) for analyzing information on a vehicle speed (Page 3) and being configured for

providing the services in a speed-dependent manner (Page 4 line 3-Page 5 line 15, i.e.

controlling making calls, operability of the car radio, incoming calls, navigation

announcements, etc.), wherein the providing of the service includes providing at least

one of a control of a selection of the services (Page 4 line 3-Page 5 line 15, i.e.

controlling making calls, operability of the car radio, incoming calls, navigation

announcements, etc.) and a representation of the services on a user interface 11, 12,

or 13 (Fig. 1, every component has some sort of user interface in order to be able to

use the components) present in the motor vehicle 10 (Fig. 1). Andreas fails teach a

visual output medium and adaptation being substantially different non-zero wireless

transmission.

Odinak teaches a video output medium to display information about at least one

service 82 or 84 or 86 or 88 (Fig. 3 and Section 0019), and the providing includes

adapting the display of information 82 or 84 or 86 or 88 (Fig. 3 and Section 0019) in a

speed-dependent manner, where the display and the adapted display provide

information about an active state of a service 82 or 84 or 86 or 88 (Fig. 3 and Section

0019).

Therefore, it would have been obvious at the time of the invention to one of

ordinary skill in the art at the time the invention was made to incorporate a video output

medium as taught by Odinak into Andreas vehicle controls in order to minimize

dangerous distractions which improves safety (Section 0004).

Andreas and Odinak fail to teach adaptation being substantially different non-

zero wireless transmission.

Knoop teaches wherein each adaptation has a substantially different non-zero

wireless data transmission requirement, so that each display adaptation requires a

wireless data transmission rate, and so that at least a plurality of the data transmission

rates are substantially different and greater than zero (Col. 12 lines 24-30).

Therefore, it would have been obvious at the time of the invention to one of

ordinary skill in the art at the time the invention was made to incorporate different

transmission rates as taught by Knoop into a video output medium as taught by Odinak

into Andreas vehicle controls in order to improve selecting transmission modes (Col. 2

lines 9-11)..

8.   Claims 34 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Andreas (JP 2001-119451) in view of Odinak (US Pat Pub# 20080147401) and

further in view of Rajkotia et al. (US Pat Pub# 2004/0121774) and further in view of

Kalavade et al. (US Pat# 7,239,632) and further in view of Knoop (US Pat# 7,593,686)

and further in view of Wawra et al. (US Pat# 6,714,860) and further in view of Toshio
(JP 06-61923).

Regarding claims 34 and 37, Andreas in view of Odinak and further in view of
Rajikotia and further in view of Kalavade and further in view of Wawra teaches the
limitations in claims 14 and 32-33. Andreas, Rajikotia, Kalavade, Wawra, and Odinak
fail to teach selecting a transmission medium.

Toshio teaches selecting a transmission medium (selecting the correct base
station to transmit based on speed) for communication and setting corresponding
service parameters as a function of a speed (Figs. 2 and Section 0009).

Therefore, it would have been obvious at the time of the invention to one of
ordinary skill in the art at the time the invention was made to incorporate selecting a
transmission medium as taught by Wakabayashi into providing controlled selection of
advertisements as a function of the speed as taught by Wawra into different
transmission rates as taught by Knoop into operating with a different protocol as taught
by Kalavade into selecting based on speed as taught by Rajkotia into a video output
medium as taught by Odinak into Andreas's vehicle controls in order to reduce
deterioration of the speech quality (Purpose).

Response to Arguments

9.   Applicant's arguments with respect to claims 14, 16-18, and 20-39 have been
considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDREW WENDELL whose telephone number is (571)272-0557. The examiner can normally be reached on 8:00-5:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew Wendell/
Primary Examiner, Art Unit 2618

1/15/2011